

ZB# 01-54

Daniel Searing

9-1-92 / 20-2-40

Prelim.

Oct, 22, 2001

(ZRA asked Ag. to cut
down the size of the
59 ft. lot area (as posted)
& give alternatives.)

Public Hearing:

Uninted Feb. 25, 2002.

Numbers changed

Revised
\$36,700

#01-54 - Searing, Daniel

Area

9-1-92
20-2-40

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Searing, Daniel

FILE# 01-54

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

INTERPRETATION: \$150.00

AREA X

USE

APPLICATION FOR VARIANCE FEE.....\$ 150.00

paid
1/28/02
ct #
1652

ESCROW DEPOSIT FOR CONSULTANT FEES.....\$ ~~200.00~~ 500.00

pd.
1653

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE *10/22/01 - 5*.....\$ 22.50

2ND PRELIMINARY- PER PAGE.....\$

3RD PRELIMINARY- PER PAGE.....\$

PUBLIC HEARING - PER PAGE *2/25 - 9*.....\$ 40.50

PUBLIC HEARING (CONT'D) PER PAGE.....\$

TOTAL.....\$ 63.00

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: *10/22/01*.....\$ 35.00

2ND PRELIM.....\$

3RD PRELIM.....\$

PUBLIC HEARING. *2/25*.....\$ 35.00

PUBLIC HEARING (CONT'D).....\$

TOTAL.....\$ 70.00

MISC. CHARGES:

.....\$
TOTAL.....\$ 133.00

LESS ESCROW DEPOSIT.....\$ 500.00

(ADDL. CHARGES DUE).....\$

REFUND DUE TO APPLICANT..\$ 367.00

ZBA #01-54

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

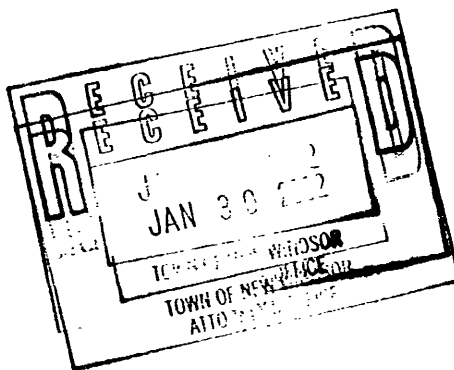
RECEIPT #102-2002

01/30/2002

D L S Excavating, Inc.

Received \$ 150.00 for Zoning Board Fees, on 01/30/2002. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.



Deborah Green
Town Clerk

DLS EXCAVATING INC.

1151 RIVER RD.
NEW WINDSOR, NY 12553
845-569-1775

1652

DATE 1-29-02

29-7003/2213
462

PAY
TO THE
ORDER OF

Town of New Windsor \$ 150.00
one hundred F.Fty 00/100 DOLLARS



**CHARTER ONE
BANK**

FOR 207A-H 01-54

Paul L. [Signature]

⑈001652⑈ ⑆221370030⑆ ⑈4620360139⑈

DLS EXCAVATING INC.

1151 RIVER RD.
NEW WINDSOR, NY 12553
845-569-1775

1653

DATE 1-29-02

29-7003/2213
462

PAY
TO THE
ORDER OF

Town of New Windsor \$ 500.00
Five hundred 00/100 DOLLARS



**CHARTER ONE
BANK**

FOR 207A-H 01-54

Paul L. [Signature]

⑈001653⑈ ⑆221370030⑆ ⑈4620360139⑈

-----X
In the Matter of the Application of

DANIEL SEARING

#01-54.
-----X

MEMORANDUM
OF DECISION
GRANTING
AREA VARIANCES

WHEREAS, DANIEL SEARING, 1151 River Road, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 10,453 sq. ft. lot area and 17.1 ft. front yard for Lot #1 (9-1-92), and 75.1 ft. lot width for Lot #2 (20-2-40) to allow a lot line change as referred by Planning Board, at the above location, in a PI zone; and

WHEREAS, a public hearing was held on the 25th day of February, 2002 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared by Craig Marti, P.E., appeared for this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property consists of two contiguous lots located in a mixed commercial and residential neighborhood.

(b) Of the two lots, Lot #1 is pre-existing, non-conforming and therefore conforms with the existing zoning. Lot #2 is non-conforming.

(c) The Applicant seeks to change the lot line separating Lot #1 and Lot #2 in accordance with approval to be granted by the Planning Board.

(d) The variances, if granted, will result in an increase in the size of Lot #1 and will allow a 17.1 ft. front yard variance. Lot #1 will still be non-conforming, but it will be less non-conforming than it was previously. Lot #2 is conforming in area, but is non-conforming in lot width.

(e) Lot #1 is improved by a residence and a non-detached garage. Lot #2 is vacant.

(f) The Applicant proposes to construct an office-storage facility on Lot #2.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant that can produce the benefits sought.

3. The variances requested are substantial in relation to the Town regulations, but nevertheless are warranted.

4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variances are granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.

7. The interests of justice will be served by allowing the granting of the requested area variances.

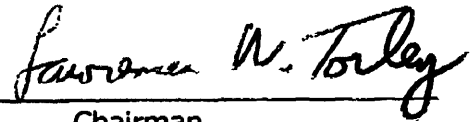
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request as stated in paragraph #1 above, at the above location, in a PI zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: April 22, 2002.



Chairman

OFFICE OF THE PLANNING BOARD - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 01-35

DATE: 5 SEPT 01

APPLICANT: DANIEL SEARLING

1151 RIVER ROAD

NEW WINDSOR, NY 12550

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED _____

FOR (SUBDIVISION) - SITE PLAN) _____

LOCATED AT RIVER ROAD

_____ ZONE _____

DESCRIPTION OF EXISTING SITE: SEC: 9 BLOCK: 1 LOT: 92

20 2 40

IS DISAPPROVED ON THE FOLLOWING GROUNDS: _____

LOT #1 (LOT AREA VARIANCE
LOT FRONT YARD VARIANCE

Michael Babcock
MICHAEL BABCOCK,
BUILDING INSPECTOR

<u>REQUIREMENTS</u>		<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u>
LOT #1			
ZONE _____	USE _____		
MIN. LOT AREA	<u>40,000 SF</u>	<u>18,149</u>	<u>21,851</u>
MIN. LOT WIDTH	<u>150 FT</u>	<u>152.6</u>	<u>—</u>
REQ'D FRONT YD	<u>50 FT</u>	<u>32.9 *</u>	<u>17.1 *</u>
REQ'D SIDE YD.	<u>15 FT</u>	<u>49.7</u>	<u>—</u>
REQ'D TOTAL SIDE YD.	<u>40 FT</u>	<u>111.7</u>	<u>—</u>
REQ'D REAR YD.	<u>20 FT</u>	<u>57</u>	<u>—</u>
REQ'D FRONTAGE	<u>N/A</u>	<u>—</u>	<u>—</u>
MAX. BLDG. HT.	<u>12' FT = 32.9'</u>	<u>18'</u>	<u>—</u>
FLOOR AREA RATIO	<u>0.6</u>	<u>0.07</u>	<u>—</u>
MIN. LIVABLE AREA	<u>N/A</u>	<u>—</u>	<u>—</u>
DEV. COVERAGE	<u>N/A %</u>	<u>— %</u>	<u>— %</u>
O/S PARKING SPACES	<u>—</u>	<u>—</u>	<u>—</u>

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:
 (914-563-4630) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD
 OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

OFFICE OF THE PLANNING BOARD - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 01-35

DATE: 5 Sept. 01

APPLICANT: Daniel Searing
1151 River Road
New Windsor, NY 12550

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED _____

FOR (SUBDIVISION) - SITE PLAN) _____

LOCATED AT River Road

ZONE _____

DESCRIPTION OF EXISTING SITE: SEC: 9 BLOCK: 1 LOT: 92
20 2 40

IS DISAPPROVED ON THE FOLLOWING GROUNDS: _____

LOT #2

LOT WIDTH

LOT FRONT YARD

Mark Edsall for
MICHAEL BABCOCK,
BUILDING INSPECTOR

REQUIREMENTS

LOT #2

PROPOSED OR
AVAILABLEVARIANCE
REQUEST

ZONE _____ USE _____

MIN. LOT AREA

MIN. LOT WIDTH

REQ'D FRONT YD

REQ'D SIDE YD.

REQ'D TOTAL SIDE YD.

REQ'D REAR YD.

REQ'D FRONTAGE

MAX. BLDG. HT.

FLOOR AREA RATIO

MIN. LIVABLE AREA

DEV. COVERAGE

O/S PARKING SPACES

150 FT

50 FT

74.9 FT

22.2

75.1 F

27.8 F

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:
(914-563-4630) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD
OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

October 22, 2001

2

PRELIMINARY MEETINGS:SEARING, DANIEL

Mr. Craig Marti appeared before the board for this proposal.

MR. MARTI: My name is Craig Marti from Valdina and Marti Engineering in Newburgh, New York. I have some photographs of the project site here which I will hand out three copies of each. The project consists, area consists of two existing lots which are shown on the plan sheet here, lot 1 as it exists today is represented in orange dashed line rather oddly configured lot with an existing two story wood frame residential structure on it with a garage on that lot and Mr. Searing also owns the adjacent tax parcel shown here as lot number 23 which would be represented by the blue dashed lines, another odd shaped lot. Mr. Searing runs an excavating and trucking business from that location as it currently exists today. The proposal is to modify lots 1 and 2 such that the resulting lot one would be existing one frame residence with a more conventionally shaped lot parcel with the rear property line basically going along three, through three maple trees which are located between the house structure and the garage. Those are shown on one of the photographs, they're fully developed maple trees screening the garage area from the view from the road. The other photographs which we have here show the existing and proposed driveway which will serve the residential parcel as well as the existing and proposed driveway area which will serve the future commercial property in the back. The plans ultimately are to construct a pole barn type of equipment storage building on the rear portion of lot 2 which would be subject to planning board review and approval and site plan review. The variances which we would need in order to modify the lots in this manner are an area variance for the existing non-conforming lot 1 which will be reduced in size such that the wood frame garage will go with the commercial property and it would also need a front yard variance for the existing setback of the existing structure. The resulting lot 2 will need a variance, an area variance and lot width variance for the lot

width in the narrow portion of the lot here at the 50 foot setback from the road. However, the building I have would be located such that all of the setbacks for the building itself would be conforming to the zoning. So we're here tonight to request the required public hearing and that the matter be, the process be initiated.

MR. KANE: Is there any way to redesign the lot so that the, on lot 1, you can minimize the amount of variance you need? You need approximately 50%.

MR. MARTI: We can minimize some of the land area required by including the wood frame garage with the residential structure. The proposed land use is such that the large storage building in the rear of the property would work in conjunction with the front garage which he'd like to maintain for the commercial use as it's currently being used. So we basically picked the natural, what seemed to be a more natural area where the three trees are planted which shields the garage area from the view from the front.

MR. TORLEY: As it stands now, lot 1 would require a variance for the front yard setback, is that correct?

MR. MARTI: Well, the lot 1 variance, it's an existing non-conforming condition, since we're going through the process of the planning board, they requested us to get the variance.

MR. TORLEY: The building that's on there now pre-exists zoning?

MR. MARTI: Yes.

MR. TORLEY: So you have a lot that pre-exists zoning, meets the area requirements but because of the pre-existing house we have some difficulty front yard setback at that point so you're taking, and the other lot which is now vacant existing lot 2 meets all the zoning codes?

MR. MARTI: Meets the required for area, yes.

MR. TORLEY: We've got two lots that meet the zoning code.

MR. MARTI: The existing condition on lot 1 is 92,000 square feet, the minimum required for that zone is 40,000 square feet so we're roughly a little over half of what would be required with the existing conditions, we're going to reduce it in area such that it would be under half of what would be required so at either rate, we'd need the area variance, even if there was no net reduction in the area of lot 1.

MR. TORLEY: Why does the applicant want to split the lots up?

MR. MARTI: If we, in order to build the storage building for his business, which he currently runs out of the house and the two lots, he would need a land use variance, if we were to put the combined residential and commercial use to cover the existing non-conformance as soon as he goes to build the new building, then he would require a mixed use or land use variance of the hardship which is much harder for us to legitimize than the reduction in areas and the maintenance of the existing structure in its current residential state.

MR. KANE: For the public hearing, I'd appreciate if you can take a look, if you can add a little bit more property and cut down on the 21,000 square foot request a little bit.

MR. TORLEY: It's very substantial.

MR. MARTI: Sure. One way we may be able to do that would be to reduce the width of what would serve as this flag portion.

MR. KANE: But that would then increase the variance needed for the width on that?

MR. MARTI: For the lot width taken.

MR. TORLEY: If he goes beyond the maple trees, then the existing frame garage becomes a variance because of

inadequate front yard.

MR. MARTI: Then we're looking at different variances to include the garage.

MR. TORLEY: We would appreciate if you can come back with some alternative cases that meet your applicants or at least show why alternatives would not meet your applicant's needs and if there are other alternatives that minimize the net total variances required and also there aren't any easements or sewer lines anywhere you have to worry about?

MR. MARTI: The only easement we'd have, we discussed with the Planning Board's consulting engineer when they put the water line in on River Road, the applicant requested or it was, there was some foresight given to serving the back building which he was currently using as a commercial building. They put two water services in which would serve the back portion as well as the front portion. One of the services is used for his house now and it's proposed to route the other service along the front property line and then serve the back building from that. We felt it would be less impact on the existing or the resulting lot 1 if we ran water line along parallel with the road and serve the back lot rather than cutting right through the lot proper.

MR. TORLEY: There's a little notch in the front, that's the existing water easement?

MR. MARTI: That would be proposed water easement. As it stands now, there's no formal easement, just a service there which is unused.

MR. TORLEY: An easement would be affecting the front yard, would it not, right, if you granted that easement to lot 2, that means lot 2 now has a front yard width problem?

MR. BABCOCK: No the front yard can be included, it's the lot area that would decreased.

MR. TORLEY: Easement doesn't count against width, only against area?

MR. BABCOCK: That's correct.

MR. REIS: What's the area of lot 2 that you're proposing?

MR. MARTI: The lot 2, the proposed area of lot 2 is 57,000, I'm sorry, proposed area of lot 2 is 67,600, the existing area of lot 2 is 57,606, roughly.

MR. REIS: So even if you're able to increase lot 1, what is it, 40,000 foot minimum, right?

MR. BABCOCK: I don't have that.

MR. TORLEY: Yeah, the minimum is 40,000 square feet.

MR. MARTI: We don't have enough gross area between the two to make two conforming lots.

MR. KANE: If you can give us an option to look at with some reasons going either way I'd appreciate that.

MR. MARTI: We discussed alternatives with our client and with the planning board, I can bring those with me.

MR. REIS: Good.

MR. TORLEY: Gentlemen, do you have any other questions at this time? I'll accept a motion.

MR. REIS: Make a motion that we set up our applicant for his requested variances for River Road.

MR. KANE: Second the motion.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. MC DONALD	AYE
MR. RIVERA	AYE
MR. TORLEY	AYE

Date 3/4/02

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO DR.

James P. Kelly
1001 S. 1st Ave
Newburgh, NY 12550

DATE			CLAIMED	ALLOWED
2/25/02	Zoning Board Mtg		75 00	
	Misc - 3			
	Handy - 1			
	Caldwell - 3			
	Summit-on-Hudson - 3			
	Strategic Real Estate - 2			
	Foley - 4			
	Curtain - 4			
	DiCorio - 3			
	Searing - 9			
	Hong - 4		175 56	
	Delaney - 3		250 00	
	39			

February 25, 2002

Corrected: 2/25/02 22

SEARING, DANIEL

MR. TORLEY: Request for ^{10,453} ~~21,851~~ sq. ft. lot area for Lot #1, (9-1-92) and ~~54,284 sq. ft. lot area~~ and 75.1 ft. ^{and 17.1 ft. front yard.} lot width for Lot #2 (20-2-40) to allow lot line change referred by Planning Board, location 1151 River Road in a PI zone. ^{75.1 ft.}

Mr. Craig Marti appeared before the board for this proposal.

MR. TORLEY: Before we proceed further, is there anyone in the audience wishing to speak on this matter? No one in the audience wishes to speak. Thank you.

MR. MARTI: For the record, my name is Craig Marti with the engineering firm of Valdina Marti Engineering Surveying in Newburgh. The proposal which we had submitted to the planning board and subsequently had been referred to the Zoning Board of Appeals was to modify two existing lots, one of which had, contains an existing two story frame residence, such that it would create a more reasonable or more practical lot shape for the residential lot. The existing lot line is shown on the drawing, this dashed line is a triangular piece here with another vacant lot which surrounds that parcel, the proposal ultimately which will go before the planning board is to develop lot 2 with a storage and office building and storage area as well as small office for Mr. Searing's excavation business which he currently runs the office from his house and the storage area on the remainder of the property. The initial appearance before this board showed a reduction in the area of lot 1, such that the existing wooden garage would go with the commercial lot. Based on comments received from the board at that time, I discussed the option of reconfiguring the lot lines, such that the existing wood frame garage will go with the residential structure. The prior proposal actually reduced the area of the lot 1 by roughly 19 or by a significant amount which the board indicated was beyond their preference. We therefore reconfigured the lot line such that the garage will go with the residential, we have actually slightly increased the area of lot 1 now, we have eliminated the, we still have a

non-conforming area and the proposed area will be 30,606 square feet, but it's actually an increase of 11,000 or 1,127 square feet over and above what it is now. The variance which we seek is for the existing front yard setback and then for the non-conforming area, although the area is larger than is proposed.

MR. TORLEY: As it now stands, you have a lot that meets all the code?

MR. MARTI: It's an existing, non-conforming lot.

MR. TORLEY: Because it's pre-existing, the change of the code and you wish to change this lot which now by grandfather is a legal lot and create two?

MR. MARTI: No, there's currently two lots, one is a residential lot, which is non-conforming, and there's another tax parcel which is contiguous to the same ownership, which is shown as the dashed, this line here is the existing property line, we have a residential structure on this lot.

MR. BABCOCK: Basically taking this line here, this line here into this.

MR. MARTI: The area of this lot or the area of the resulting lot is slightly larger than the existing condition today and the, although even with the proposed areas, it's still less than the 40,000 square, feet slightly bigger than it is today.

MR. TORLEY: Mike, my reading of the code I'm trying to remember, I thought we had, if he had two contiguous, non-conforming lots which these really would be in a single owner.

MR. BABCOCK: Well, when you say non-conforming lots, when it's non-conforming to bulk, the lot 2 is 1.5 some acres, 67,000 square feet.

MR. MATRI: Lot 2 is a conforming lot, lot 1 which has the existing structure on it is an existing non-conforming condition.

MR. BABCOCK: Right, lot 1 which he's taking some more land from lot 2 and adding to lot 1, he's making it better.

MR. KRIEGER: Lot 2 is as it exists today conforming?

MR. BABCOCK: He's fine.

MR. KRIEGER: If the variance were approved, would lot 2 still conform?

MR. BABCOCK: Yes.

MR. TORLEY: Why is it showing a lot area variance?

MR. BABCOCK: Not lot 2, lot 1.

MR. TORLEY: No, request for 21,851 square foot lot area for lot number 1 and 54,204 lot area and for lot number 2 is that a typo someplace?

MR. BABCOCK: No, that's what it says here.

MR. BABCOCK: It shouldn't be because there's 66, 67 square foot for lot 2, I think what happened, Mr. Chairman, if you see the first subdivision map, this map has changed, Mr. Chairman, on lot 2, if you look at lot 2, the referral, it's lot width.

MR. TORLEY: This is out of date.

MR. BABCOCK: But lot 2 needs a lot width and a front yard, no, lot area.

MR. TORLEY: Yeah, the lot area was somehow typed in as a variance request.

MR. BABCOCK: There's no lot area, it's just lot width and frontage on lot 2.

MR. KANE: We need what on the front yard?

MR. BABCOCK: Which lot, lot 2 is required, he's got 22.2 and he needs 27.8.

MR. KANE: 27.8 on the front yard.

MR. MARTI: The initial front yard request for lot 2 was based on this property line which came to this area, so we need front yard request for the garage, I'm sorry, by lot 1. All right, the first submittal--

MR. KANE: Front yard it meets code.

MR. MARTI: The previous submittal to the board which showed the framed garage on lot 2 would have required a front yard setback variance because the garage would have been 22.2 feet. By including the garage with lot 1, we eliminate the need for that variance. The lot we still we have an acceptable lot width on lot, all right, so lot 1, we now need just the existing non-conformance on area and the existing non-conformance on front yard of 32.9. Lot 2 by including the garage with lot 1, the only variance we need for lot 2 is the lot width at the setback line which is 75 feet at the front yard setback of 50 feet. The proposed development is going to take place in the back of the lot.

MR. TORLEY: As it stands right now, absent any lot line changes, you have a lot that's just simply substandard in area that would be lot 1?

MR. MARTI: Right, substandard in area and substandard in the front yard setback.

MR. KRIEGER: Actually, if the thing were approved, if the application were approved, the area of lot 1 would increase.

MR. MARTI: Would increase, it would still be non-conforming but less non-conforming.

MR. TORLEY: But lot 2 would, which still meets the area now.

MR. MARTI: Still meets the area but because of the flag shape nature, would need a lot width variance because the flag portion of the lot is 75 feet wide at the setback rather than the 150, you don't have the 150

foot width until we get to the back portion.

MR. KRIEGER: But that lot, the neck on lot 2 leading from the lot to the road it exists that way now, is that correct?

MR. MARTI: Well, it exists in an odd configuration now.

MR. KRIEGER: But right at the road, the width at the road is the same?

MR. MARTI: It's a lot more at the road now.

MR. TORLEY: Right now, this is the existing front yard or road frontage rather which would probably meet the code.

MR. MARTI: Well, the code requires it be a 50 foot setback from the front yard, it would be in here, it would still be close, I don't know if it would make it, though.

MR. TORLEY: Now, so, we're creating, altering things, we're creating a flag lot, essentially.

MR. MARTI: Yes.

MR. TORLEY: What's going to go back there?

MR. MARTI: Back here?

MR. TORLEY: Yeah.

MR. MARTI: The plan will be submitted to the planning board, this was a prior plan based on the original lot line configuration will consist of the new lot configuration like this and he's proposing a 60 x 40 foot is to have an office facility for his contracting business, small office and a shop space.

MR. TORLEY: Just wanted to make sure it wasn't going to be 12 houses.

MR. MARTI: No, just a straightforward development in

conformance with the zoning.

MR. BABCOCK: Mr. Chairman, with the changes to the lot line for lot 1, he has increased the size of lot 1 from 18,000 to 19,220, so he needs less of a variance there also so maybe I can read them in for the record so we know what variance is, we need lot 2, he needs a lot width variance of 75.1, lot 1, he needs a lot area variance of 20,780 and a front yard variance of 17.1 feet.

MR. TORLEY: With the garage, does he need a rear yard variance because he's got the garage back there?

MR. BABCOCK: No, actually, it's a detached garage ten feet from the property line because it's on the residential part.

MR. TORLEY: But it's not--

MR. MARTI: No, the five foot is labeled, is a misprint, five foot was based upon an equalization of the area. When I did the zoning check, I told the draftsman to redo it, it's now at 11.7.

MR. TORLEY: So, this goes back a little further?

MR. MARTI: It's drawn properly, it's labeled wrong, if you scale it, it's 11.

MR. KANE: As long as you're sure.

MR. MARTI: No, I went to the surveyor to make sure it's fine.

MR. KANE: As long as you're sure it's correct.

MR. MARTI: It's drawn properly, it's labeled wrong, that would be correct with the final.

MR. TORLEY: Now, with this alteration of lot lines, we're not now creating an oddities of sewer, water easements?

MR. MARTI: No, no, the only water easement at which I

discussed with the, with Mark Edsall at the planning board stage when the water line was put in the road, the owner had the foresight to ask for two water services to serve both lots, they put those water services at this location thinking he would extend it through here. In making these separate lots or keeping them as separate lots, it made more sense to both Mark and myself to run the easement rather than through the residential lot, run it along the right-of-way and then bring it back to the flag portion of the lot.

MR. TORLEY: So there's a water easement for the water line to service lot number 2?

MR. MARTI: That's a proposed easement, there's an existing, currently there's existing water service but there's no easement to get to that line.

MR. TORLEY: The reason I'm asking our rule is easements do not, you can't use the area of an easement as part of the area of your lot. Do you recall that? So we have to reduce the lot size by the easement area and thereby all the other--

MR. KANE: There's technically no easement right now, so how do you figure out how much it's going to be?

MR. TORLEY: If he tries to put the easement in later, he can't because he's changing the size of his lot.

MR. MARTI: That would change the number that you just read into the record, Mike, it's 10,000, the resulting area minus the easement is 29.547.

MR. BABCOCK: For which one now?

MR. MARTI: That would be for lot 1.

MR. TORLEY: Is this a private easement?

MR. MARTI: It's a private easement.

MR. TORLEY: We're doing this to ensure you don't have any problems in the future.

MR. BABCOCK: It's a good thing you did that because the numbers I had were wrong based on the survey here so it's actually gotten better even subtracting that thousand square foot out, it still comes up with less of a variance.

MR. KANE: What's the number?

MR. BABCOCK: He needs a 10,453 square foot area variance.

MR. KANE: You were way off.

MR. BABCOCK: Keep moving the lines.

MR. KRIEGER: If I understand correctly, lot 1 is now as it exists today, pre-existing, non-conforming, if the variance application were granted, it would still be non-conforming but it would be larger?

MR. BABCOCK: That's correct.

MR. KRIEGER: It would be less non-conforming.

MR. BABCOCK: That's correct.

MR. TORLEY: So now we're talking, Mike, would you mind rereading the numbers for the record? These are the numbers you're going to be voting on.

MR. KANE: Lot number one, we need an area variance of 10,453 square feet and a front yard of 17.1, lot number 2, we need a width of 75.1.

MR. BABCOCK: Correct.

MR. TORLEY: Questions? Motion?

MR. REIS: Accept a motion?

MR. TORLEY: Yes, sir.

MR. REIS: I make a motion that we grant Daniel Searing his requested variances as noted for lot 1 and 2 at 51 River Road.

February 25, 2002

30

MR. KANE: Second the motion.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE

VALDINA ~ MARTI ENGINEERING & SURVEYING, P.C.

4 Pleasant View Ave., Newburgh, New York 12550

**Frank J. Valdina, Jr., PE, LS
Craig M. Marti, PE**

**Phone: (845) 565-4447
NYS: (800) 893-4447
Fax: (845) 565-4428**

January 29, 2002

Zoning Board of Appeals
Town of New Windsor
555 Union Avenue
New Windsor, New York 12553

ATT: PATRICIA A. CORSETTI, SECRETARY

RE: Lahds of Daniel L. Searing
S9-B1-L92 & S20-B2-L40

Dear Ms. Corsetti:

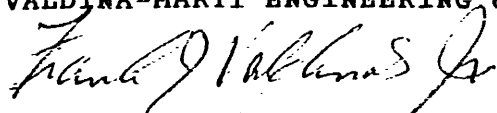
Valdina-Marti Engineering & Surveying, PC herewith submits the following items pertaining to a variance request for subject property:

1. Application, Original & two (2) copies.
2. Public notice of hearing.
3. Envelopes, addressed and stamped.
4. Two (2) checks for the required fees, (\$150 & \$500).
5. Copy of the applicable deed.
6. Photographs of the site.

Please advise of the Public Hearing date in order for this office to complete the mailing requirements.

Thank you for your anticipated assistance in this matter.

Very truly yours
VALDINA-MARTI ENGINEERING & SURVEYING, PC



Frank J. Valdina, Jr., PE, LS
Principal

cc w/encl: Daniel L. Searing

PUBLIC NOTICE OF HEARING

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 01-54

Request of Daniel L. Searing

for a VARIANCE of the Zoning Local Law to Permit:

Lot Line Change: Lot 1-Insufficient Area & Front Yard(Existing Condition);

Lot 2-Insufficient Width @ Setback

being a VARIANCE of Section 48-9 - Table of Use/Bulk Regs. - Col. C, D & E

for property situated as follows:

1151 River Rd.; West side of River Rd. approximately 1000' North of Silver Spring Rd.

known and designated as tax map Section 20⁹, Blk. 2¹, Lot 40^{92 &}.

SAID HEARING will take place on the ____ day of _____, 2002 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

Chairman

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

#01-54

Date: Jan. 29, 2002

I. Applicant Information:

- (a) Daniel L. Searing, 1151 River Rd., 569-1775
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) Valdina-Marti Engr. & Surv., PC, 4 Pleasant View Ave., 565-4447
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

III. Property Information:

- (a) P1 1151 River Road 9-1-92 & 20-2-40 1.96± Ac.
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? NC
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? Feb. 1997
- (e) Has property been subdivided previously? No
- (f) Has property been subject of variance previously? No
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: _____
Existing Storage - None
Proposed Storage - Construction Equipment & Materials

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow: _____
(Describe proposal) _____
- _____
- _____
- _____
- _____

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes _____ No No.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-9, Table of Use/Bulk Regs., Col. C, D & E.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
	Min. Lot Area _____		
LOT 2	Min. Lot Width <u>150 ft</u>	<u>75.0</u>	<u>75.0</u>
LOT 1	Reqd. Front Yd. <u>50 ft.</u>	<u>32.9(Existing)</u>	<u>17.1</u>
	Reqd. Side Yd. _____		
	Reqd. Rear Yd. _____		
	Reqd. Street Frontage* _____		
	Max. Bldg. Hgt. _____		
	Min. Floor Area* _____		
	Dev. Coverage* _____ %	_____ %	_____ %
	Floor Area Ratio** _____		
	Parking Area _____		

* Residential Districts only

** No-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

It is believed an area variance is warranted as the proposed use will not have a detrimental effect on, or impact the environmental conditions of the neighborhood, which consists of other commercial enterprises. Overall lot size can not be increased since no adjoining land is available.

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A

(a) Variance requested from New Windsor Zoning Local Law, Section _____, _____ Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign ..	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. N/A

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

(b) Variance: Granted (____) Denied (____)

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

PROJECT I.D. NUMBER

617.21

SEQR

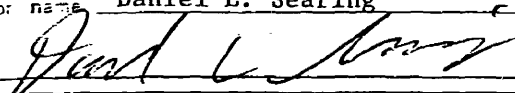
Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR Daniel L. Searing	2. PROJECT NAME Lands of Daniel Searing-Lot Line Change/ Final Plan
3. PROJECT LOCATION: Municipality New Windsor (T) County Orange	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) 1151 River Road; West side of River Road approximately 1000' North of Silver Spring Rd.	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: Lot Line Change	
7. AMOUNT OF LAND AFFECTED: Initially 1.96± acres Ultimately 1.96± acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly Both Lots require Area Variances.	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals Planning Board Approval	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name Daniel L. Searing	Date: 1/29/12
Signature: 	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF. <input type="checkbox"/> Yes <input type="checkbox"/> No	
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency. <input type="checkbox"/> Yes <input type="checkbox"/> No	
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible) C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly: C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly. C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly. C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly. D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain briefly	

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

- ☐ Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- ☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:

_____ Name of Lead Agency	
_____ Print or Type Name of Responsible Officer in Lead Agency	_____ Title of Responsible Officer
_____ Signature of Responsible Officer in Lead Agency	_____ Signature of Preparer (If different from responsible officer)
_____ Date	

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE
THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE



TYPE NAME(S) OF PARTY(S) TO DOCUMENT BLACK INK

GEOFFREY WECKSLER, Executor of the Estate
of Stanley Maslowski

TO

DANIEL L. SEARING

SECTION 9 BLOCK 1 LOT 92
20 2 40

RECORD AND RETURN TO:

(Name and Address)

740-0-8377
THERE IS NO FEE FOR THE RECORDING OF THIS PAGE

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH

RECORDED INSTRUMENT ONLY

FRED MAUTE, ESQ.
24 SPRUCE STREET
CORNWALL-on-HUDSON, NY 12520

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED ☒ MORTGAGE ☐ SATISFACTION ☐ ASSIGNMENT ☐ OTHER ☐

PROPERTY LOCATION

2089 BLOOMING GROVE (TN)	4289 MONTGOMERY (TN)
2001 WASHINGTONVILLE (VLG)	4201 MAYBROOK (VLG)
2289 CHESTER (TN)	4203 MONTGOMERY (VLG)
2201 CHESTER (VLG)	4205 WALDEN (VLG)
2489 CORNWALL (TN)	4489 MOUNT HOPE (TN)
2401 CORNWALL (VLG)	4401 OTISVILLE (VLG)
2800 CRAWFORD (TN)	4600 NEWBURGH (TN)
2800 DEERPARK (TN)	4800 NEW WINDSOR (TN)
3089 GOSHEN (TN)	5089 TUXEDO (TN)
3001 GOSHEN (VLG)	5001 TUXEDO PARK (VLG)
3003 FLORIDA (VLG)	5200 WALLKILL (TN)
3005 CHESTER (VLG)	5489 WARWICK (TN)
3200 GREENVILLE (TN)	5401 FLORIDA (VLG)
3489 HAMPTONBURGH (TN)	5403 GREENWOOD LAKE (VLG)
3401 MAYBROOK (VLG)	5405 WARWICK (VLG)
3689 HIGHLANDS (TN)	5800 WAWAYANDA (TN)
3601 HIGHLAND FALLS (VLG)	5889 WOODBURY (TN)
3889 MINISINK (TN)	5001 HARTIMAN (VLG)
3801 UNIONVILLE (VLG)	
4089 MONROE (TN)	
4001 MONROE (VLG)	
4003 HARTIMAN (VLG)	
4005 KITYAS JOEL (VLG)	

NO. PAGES 3 CROSS REF
CERT. COPY AFT. FILED

PAYMENT TYPE: CHECK ☒
CASH ☐
CHARGE ☐
NO FEE ☐

CONSIDERATION \$ 70,000.00
TAX EXEMPT ☐

MORTGAGE AMT \$
DATE

MORTGAGE TYPE:

(A) COMMERCIAL
(B) 1 OR 2 FAMILY
(C) UNDER \$10,000.
(E) EXEMPT
(F) 3 TO 8 UNITS
(I) NAT.PERSON/CR.UNION
(J) NAT.PER-CR.UNI OR 2
(K) CONDO

CITIES

0900 MIDDLETOWN
1100 NEWBURGH
1300 PORT JERVIS

9999 HOLD

Joan A. Macchi

JOAN A. MACCHI
Orange County Clerk

RECEIVED FROM *Horizon*

LIB 4584P 258

LIBER 4584 PAGE 258

10/10/97 2232 295 P16

ORANGE COUNTY CLERK'S OFFICE 89960 MRL
RECORDED/FILED 06/16/97 03:21:32 PM

FEES 44.00 EDUCATION FUND 5.00
SERIAL NUMBER: 008242
RE TAX 280.00

THIS INDENTURE, made the 6th day of February, 1997

BETWEEN GEOFFREY WECKSLER, Executor of the Estate of Stanley Maslowski,
residing at 1039 Maxwell Avenue, Boulder, Colorado 80304
+ Also known as Stanley Maslosky

party of the first part, and DANIEL L. SEARING, residing at 6 Bellevue Road,
Newburgh, New York 12550

party of the second part,

WITNESSETH, that the party of the first part, in consideration of SEVENTY THOUSAND & NO/100
(\$70,000.00) dollars

paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs
or successors and assigns of the party of the second part forever.

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,
lying and being in the

SEE ATTACHED ANNEXED HERETO AND MADE A PART HEREOF.

The party of the first part is executor of the Last Will and Testament of
Stanley Maslowski late of the Town of New Windsor, Orange County, New York
who died on May 25, 1995 and letters of Testamentary having been issued to said
executor by the Orange County Surrogate's Court on September 27, 1995 and this
conveyance is made by virtue of the power and authority given in and by said
Last Will and Testament and/or by Article 11 of the Estate Powers & Trusts Act.

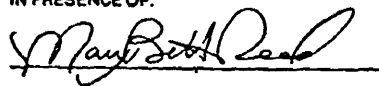
TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads
abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all
the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises
herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second
part forever.


AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby
the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first
part will receive the consideration for this conveyance and will hold the right to receive such consideration as a
trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to
the payment of the cost of the improvement before using any part of the total of the same for any other purpose.
The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:


Mary Beth Reed


Geoffrey Weckslar
As Executor

COLORADO
STATE OF NEBECODBE, COUNTY OF *Boulder*

On the *12* day of *February* 19 *97*, before me
personally came *Geoffrey Weckler*
As Executor

to me known to be the individual described in and who
executed the foregoing instrument, and acknowledged
that he executed the same.

Mary Beth Deed
Notary Public
12/7/97

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me
personally came
to me known, who, being by me duly sworn, did depose and
say that he resides at

that he is the
of

the corporation described
in and which executed the foregoing instrument; that he
knows the seal of said corporation; that the seal affixed to said
instrument is such corporate seal; that it was so affixed by
order of the board of directors of said corporation, and
that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF

On the day of 19
personally came

to me known to be the individual described in and who
executed the foregoing instrument, and acknowledged
that he executed the same.

[Signature]

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me
personally came
the subscribing witness to the foregoing instrument, with
whom I am personally acquainted, who, being by me duly
sworn, did depose and say that he resides at

that he knows
to be the individual
described in and who executed the foregoing instrument;
that he, said subscribing witness, was present and saw

execute the same; and that he, said witness,
at the same time subscribed his name as witness thereto.

BARGAIN AND SALE DEED

WITH COVENANT AGAINST GRANTOR'S ACTS

Title No. _____

SECTION
BLOCK
LOT
COUNTY OR TOWN
STREET ADDRESS

Recorded at Request of
COMMONWEALTH LAND
TITLE INSURANCE COMPANY

RETURN BY MAIL TO

Jeffrey R. Otto, Esq.
710 Broadway
Newburgh, NY 12550

Standard Form of New York Board of Title Underwriters
Distributed by



Commonwealth.
Land Title Insurance Company

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

15184584PC 260

FTW23

*First American Title Insurance Company
of New York*

Title No. 740-0-8337
AMENDED

SCHEDULE A

ALL that certain piece or parcel of land situate, lying and being in the Town of New Windsor, Orange County, New York, being more particularly described as follows:

BEGINNING at a point in the westerly line of River Road, where said line is intersected by the northerly line of lands now or formerly ACS Property Inc. said point being marked by an iron pipe found set in the ground, running thence, the following courses:

1. Along said lands, N 71 40' 54" W 477.00' to a point;
2. Along lands now or formerly George, N 34 16' 23" E 192.00' to a point marked by an iron pipe found set in the ground;
3. Along lands now or formerly Sun Company, Inc. S 52 16' 30" E 53.08' to a point;
4. Still along said lands, S 82 10' 00" E 355.94' to a point in the westerly line of River Road;
5. Along said line, S 6 58' 54" W 51.78' to a point;
6. Still along said line, S 13 53' 59" W 181.51' to the point or place of beginning.

The policy to be issued under this report will insure the title to such buildings and improvements erected on the premises which by law constitute real property.

FOR
CONVEYANCING
ONLY

TOGETHER with all the right, title and interest of the party of the first party, of, in and to the land lying in the street in front of and adjoining said premises.

11124584PG 261

Page 2

ZONING BOARD OF APPEALS - Regular Meeting - February 25, 2002

AGENDA: 7:30 P.M. ROLL CALL-Motion-accept minutes of 01/14/02 & 01/28/02 meetings

PRELIMINARY MEETINGS:

1. **LEONETTI, JOHN** - Request for use variance to allow used car sales at 30 Martes Lane in a PI zone. (68-1-7.1).

Absent

2. **HANDY, RONALD** - Request for 5 ft. side yard variance for existing shed at 16 Locust Avenue in an R-4 zone. (18-2-24).
3. **CALDWELL, MARK** - Request for 9.5 ft. rear yard and 10 ft. side yard variances to allow existing in-ground pool at 707 Little Britain Rd. in an R-4 zone. (5-1-15).
4. **SUMMIT-ON-HUDSON** - Request for 10 ft. side yard variance for rear deck on Unit #131 on Hewitt Lane in an R-5 zone. (81-4-4.-10).

PUBLIC HEARINGS:

5. **FOLEY, ROBERT** - Request for variation of Sec. 48-14A(4) of Supplemental Yard Regs. to permit a detached garage to be constructed closer to road than principle structure at 333 Lake Road in an R-1 zone. (57-1-108).

6. **CURTIN, THOMAS aka Pool Tables Plus** - Request for 2 ft. 6 in. height variance for façade sign #1, 6 in height variance for sign #2, plus additional façade sign at 11 Quassaick Avenue in an NC zone. (14-1-1).

7. **DI COCCO, LUIGI** - Request for 7.5 ft. side yard variance for existing shed at 90 Guernsey Drive in a CL-1 zone. (80-1-21).

8. **SEARING, DANIEL** - Request for 21,851 sq. ft. lot area for Lot #1 (9-1-92) and 5,204 sq. ft. lot area and 75 ft. lot width for Lot #2 (20-2-40) to allow lot line change referred by P.B. Location: 1151 River Rd. in a PI zone. 27.6 Front

9. **HONG, IN KEE** - Request for 64 sq. ft. sign variance for freestanding sign at new location for Hong's Karate School, 280 Windsor Highway (formerly Uncle Chu's) in C zone. (35-1-48).

10. **DELANEY, BRENDAN** - Request for variation of Sec. 48-14A(4) of Supp. Yard Regs. plus 35 ft. front yard variance to allow existing shed to project closer to street than principle structure at 2 Apple Court in an R-1 zone. (51-3-35).

F.D. (1) Moisheel (2) Conklin (3) Baker (4) Harris (5) Santos (6) Manera

Pat - 563-4630 (o) 562-7107 (h)

LOT 1
Area 10453
Front 17.1
LOT 2
width 75.1

ZONING BOARD OF APPEALS:TOWN OF NEW WINDSOR
COUNTY OF ORANGE:STATE OF NEW YORK

-----X

In the Matter of the Application for Variance of

AFFIDAVIT OF
SERVICE
BY MAIL

Daniel Seaving

01-54.

-----X

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

PATRICIA A. CORSETTI, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at
7 Franklin Avenue, New Windsor, N. Y. 12553.

That on the 29th day of January, 2002, I compared the 17.
addressed envelopes containing the Public Hearing Notice pertinent to this case
with the certified list provided by the Assessor regarding the above application
for a variance and I find that the addresses are identical to the list received. I
then caused the envelopes to be deposited in a U.S. Depository within the Town
of New Windsor.

Patricia A. Corsetti

Sworn to before me this

____ day of _____, 20____.

Notary Public

9-1-88.2

Dorothy Ann Toback &
Roxanne D. Crawley
248 Carter Ave
Newburgh, NY 12550

20-2-34; 20-2-35

Jean & William Tubbs
29 Silver Spring Rd
New Windsor, NY 12553

9-1-90.2

Warex Terminals Corp. a NY Corp.
1 South Water Street
Newburgh, NY 12550

20-2-36

Ian Vanderessen
Box 367
Vails Gate, NY 12584

9-1-91; 9-1-94.2; 9-1-95

Cristina & Greg Fischer
3126 Rte 9W South
New Windsor, NY 12553

20-2-38

Presbyterian Church Cemetery
3124 NYS Rte 9W
New Windsor, NY 12553

9-1-96.1

Littman Industries, Inc.
1126 River Road
New Windsor, NY 12553

20-2-41; 20-2-42.2

Jerome Affron
Grand Ave
Newburgh, NY 12550

9-1-97

LOC Realty Corp.
1116 River Road
New Windsor, NY 12553

20-2-42.1

Clarissa Ann Berkhan &
Steven M. Horace
40 Silver Spring Rd
New Windsor, NY 12553

9-1-99

New York Central Lines, LLC
c/o CSX
500 Water Street (J-910)
Jacksonville, FL 32202

20-2-43; 20-2-44

Lance & Richard Roos
1137 River Rd
New Windsor, NY 12553

17-4-17

Ersilia Sidoli
3115 NYS Rte 9W
New Windsor, NY 12553

20-2-45.2

Blanche Drapun &
Joseph Dellafiora
42 Frost Lane
Cornwall, NY 12518

17-4-18

Louise & Hugo Dubaldi
3111 NYS Rte 9W
New Windsor, NY 12553

17-4-19

Carmella & Lester Johnson
2 Broad Street
New Windsor, NY 12553

20-2-33.31

Richard Ostner
82 Bethlehem Road
New Windsor, NY 12553

Date 10/26/01

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth
188 N. Drury Lane DR.
Newburgh, N.Y. 12550

Valdura
Fax 565-4428

DATE			CLAIMED	ALLOWED
10/23/01		Zoning Board Meeting	75	00
		Misc. - 1		
		Searing - 5		
		Hughes - 2		
		Moishael - 4		
		Panogiotopoulos - 2		
		Santos - 4		
		Langer - 2		
		Sheehan - 2	47	
		Lucas - 3		
		Weed - 6		
		Manera - 2		
		Scheuermann - 2		
		Di Micelli - 6	211	50
		Bila/OC Trust - 3		
		Botzakis - 3	286	50

PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR Daniel L. Searing	2. PROJECT NAME Lands of Daniel Searing-Lot Line Change/ Final Plan
3. PROJECT LOCATION: Municipality New Windsor (T) County Orange	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) 1151 River Road; West side of River Road approximately 1000' North of Silver Spring Rd.	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: Lot Line Change	
7. AMOUNT OF LAND AFFECTED: Initially <u>1.96±</u> acres Ultimately <u>1.96±</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly Both Lots require Area Variances.	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals Planning Board Approval	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name <u>Daniel L. Searing</u>	Date: <u>1/29/02</u>
Signature: <u><i>Daniel L. Searing</i></u>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF. <input type="checkbox"/> Yes <input type="checkbox"/> No	
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency. <input type="checkbox"/> Yes <input type="checkbox"/> No	
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)	
C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:	
C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:	
C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:	
C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:	
C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly.	
C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly.	
C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly.	
D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain briefly	

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

- ☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- ☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide on attachments as necessary, the reasons supporting this determination:

Name of Lead Agency

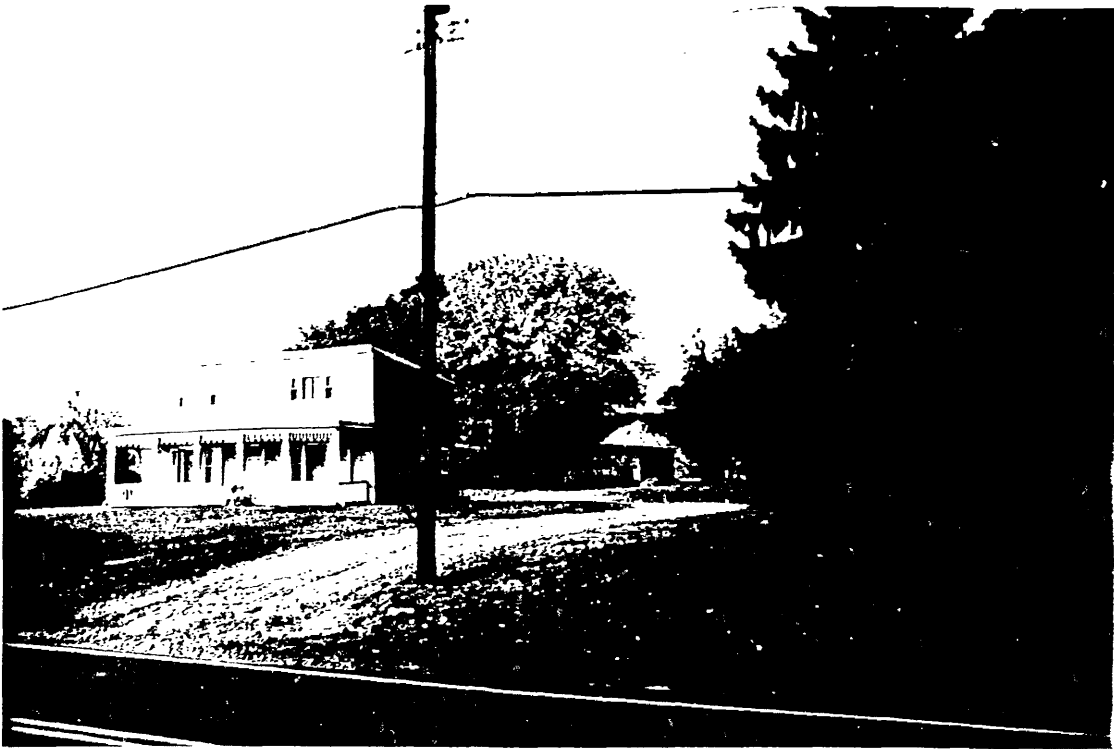
Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

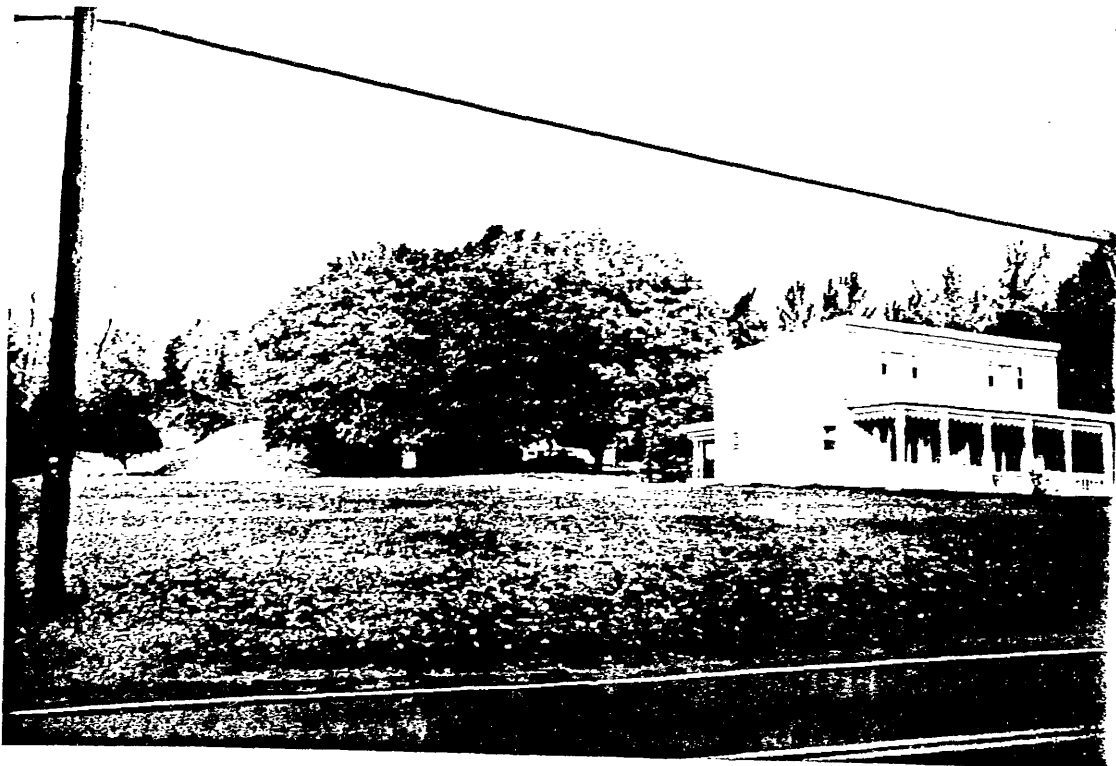
Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

Date



Existing / Proposed Entry
Lot 1



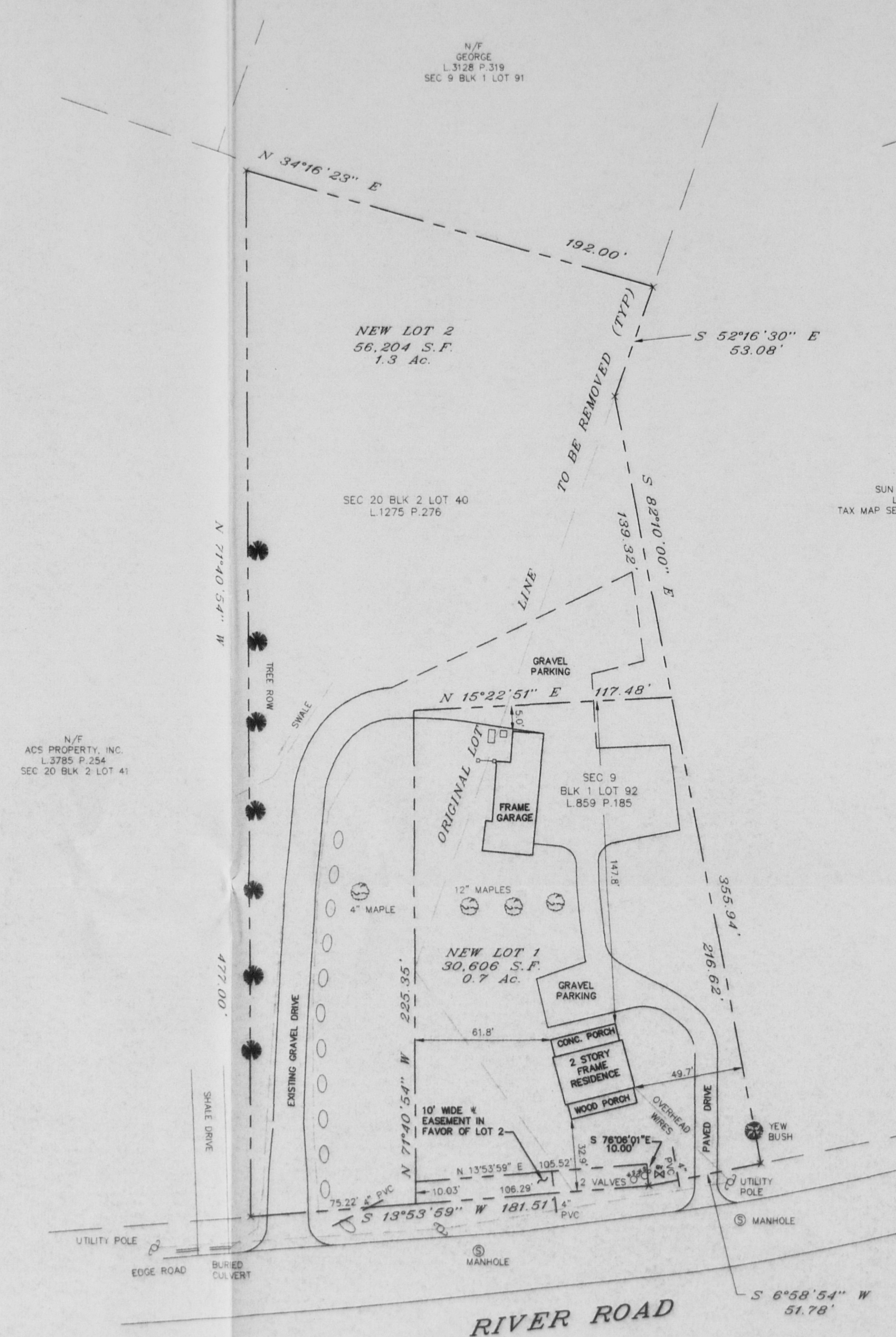
Maple Trees @ Proposed
Common Lot Line



Existing / Proposed Entry
Lot 2



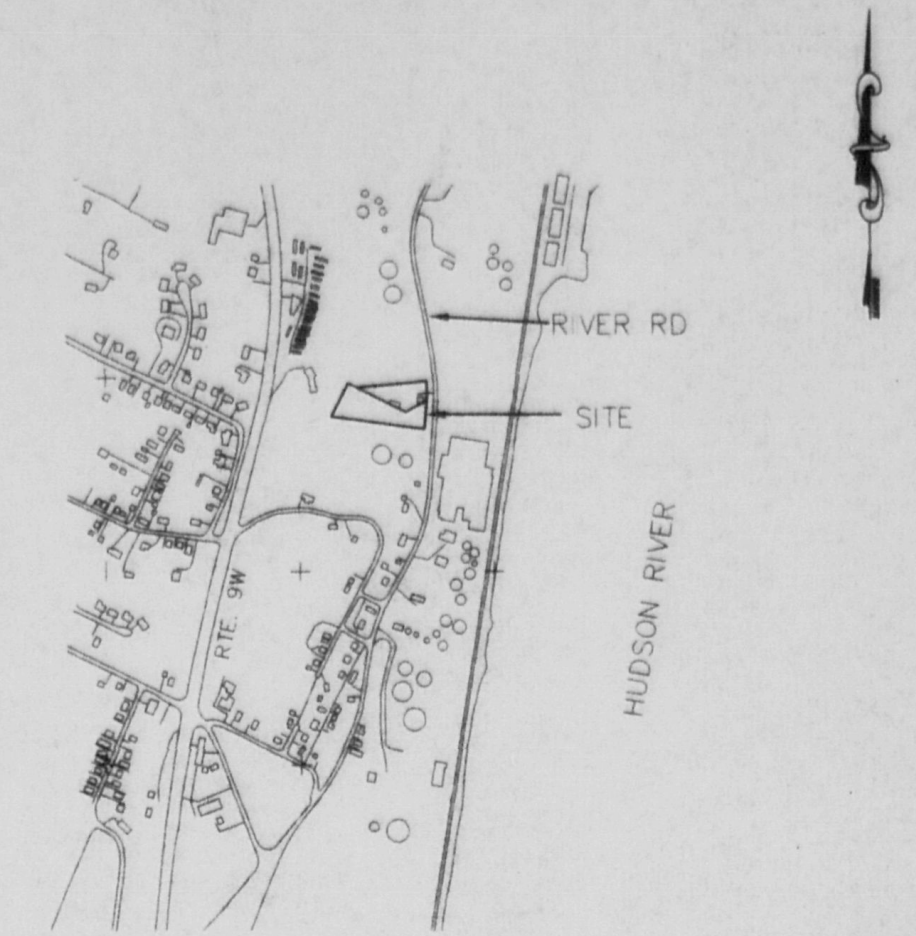
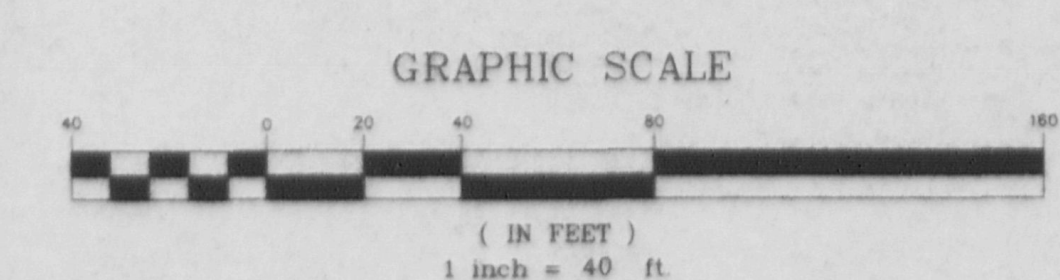
Existing Structure Lot 1
From Entry To Lot 2



DEED: L 859 P 185
Total Parcel Area
86,811 S.F.
1.993 Ac.

N/F
SUN COMPANY, INC.
L 3680 P 211
TAX MAP SEC 9 BLK 1 LOT 90.2

N/F
ACS PROPERTY, INC.
L 3785 P 254
SEC 20 BLK 2 LOT 41



LOCATION MAP
1" ~ 1000'

NOTES:

- 1) BEING A LOT LINE CHANGE BETWEEN PARCELS SHOWN ON THE TOWN OF NEW WINDSOR TAX MAPS AS SECTION 9, BLOCK 1, LOT 92 AND SECTION 20, BLOCK 2, LOT 40. DEEDS OF RECORD.
- 2) OWNER/APPLICANT: DANIEL L. SEARING
1151 RIVER ROAD
NEW WINDSOR, NEW YORK 12553
- 3) PROPERTY ZONE: P1
TAX LOT 92 - PREEXISTING RESIDENTIAL USE
TAX LOT 40 - PROPOSED USE GROUP A2 OR A13
TO BE SUBJECT TO SEPARATE SITE PLAN APPROVAL.
- 4) WATER SUPPLY AND SEWER DISPOSAL BY EXISTING MUNICIPAL SYSTEMS.
- 5) NO CERTIFICATION IS MADE FOR ITEMS NOT VISIBLE AT GROUND SURFACE AT THE TIME OF THE SURVEY.
- 6) UNAUTHORIZED ALTERATION OR ADDITION TO THIS PLAN IS A VIOLATION OF SECTION 7209(2) OF THE NEW YORK STATE EDUCATION LAW.
- 7) ONLY COPIES OF THE ORIGINAL OF THIS PLAN TOGETHER WITH AN ORIGINAL LAND SURVEYOR'S SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.

PLANNING BOARD APPROVAL

ZONING TABLE
AFTER LOT LINE CHANGE

ZONE - PL A2 & A13		SECT. 9 BLK. 1, LOT 92 NEW LOT 1	SECT. 20, BLK. 2, LOT 40 NEW LOT 2
LOT AREA (SF)	40,000	** 30,606 SF	56,204 SF
LOT WIDTH (FT.)	150	152.3'±	75.0'±
FRONT YARD (FT.)	50	* 32.9'	TO MEET CODE
REAR YARD (FT.)	20	147.8'	TO MEET CODE
SIDE YARD (FT.)	15/40	61.8/111.5	TO MEET CODE
BUILDING HEIGHT	12' / FT.	18'	TO MEET CODE
FLOOR AREA RATIO	0.6	0.07	TO MEET CODE
STREET FRONTAGE	N/A	N/A	N/A
LIVABLE FLOOR AREA	N/A	N/A	N/A
DEVELOPMENT COVERAGE	N/A	N/A	N/A

OWNERS CERTIFICATION:
I HEREBY STATE THAT I AM FAMILIAR WITH THIS MAP AND CONSENT TO ITS TERMS AND CONDITIONS AND THE FILING OF SAID MAP IN THE ORANGE COUNTY CLERK'S OFFICE.

DANIEL L. SEARING
1151 RIVER RD.
NEW WINDSOR, NEW YORK 12553
DATE

SURVEYOR'S CERTIFICATION:
I HEREBY CERTIFY THAT THIS PLAN RESULTED FROM AN ACTUAL FIELD SURVEY OF THE INDICATED PREMISES COMPLETED ON 21 JULY 2000 PERFORMED IN ACCORDANCE WITH THE CODE OF PRACTICE ADOPTED BY THE N.Y.S. ASSOCIATION OF PROFESSIONAL LAND SURVEYORS, INC., AND IS, TO THE BEST OF MY KNOWLEDGE AND BELIEF, CORRECT.

William B. Feldman



Grevas & Hildreth LAND SURVEYORS
P.C.
407 SOUTH PLANK ROAD UNIT 2, NEWBURGH, N.Y. 12550
TEL: (845) 566-9650

DATE	DESCRIPTION	(CMM)	Drwn By: CMM
8/1/01	PER PLNG BD. ENG.	(CMM)	CK'd By: WBH
1/28/02	PER ZBA COMMENTS	(CMM)	Scale: 1"=40'
			Date: 04/26/01
			Sh't 1 of 1

LANDS OF DANIEL SEARING
1151 RIVER ROAD, NEW WINDSOR, NY 12553
**LOT LINE CHANGE
FINAL PLAN**
SECT. 20 BLK 2 LOT 40
SECT 9 BLK 1 LOT 92
TOWN OF NEW WINDSOR ~ ORANGE CO. ~ NEW YORK